

ORDINANCE 94-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING ORDINANCE NO. 78-5, ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE, AS AMENDED BY ORDINANCES 79-15, 85-25, 85-43, 87-22, 89-14 AND 92-23; AMENDING SECTION 2 TO ADOPT BY REFERENCE SOLID WASTE MANAGEMENT PERMITS RULE I, ALL RESOLUTIONS, AND ALL ORDERS OF THE PALM BEACH COUNTY SOLID WASTE AUTHORITY ADOPTED PURSUANT TO CHAPTERS 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, AND 94-642, SPECIAL ACTS, LAWS OF FLORIDA; AMENDING SECTION 4 TO PROVIDE THAT IT IS A VIOLATION FOR AN ENTITY TO OPERATE A SOLID WASTE FACILITY WITHOUT OBTAINING A PERMIT FROM THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, OR TO OPERATE IN VIOLATION OF RESOLUTIONS OR ORDERS ENTERED BY THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, PROVIDING FOR ENFORCEMENT OF THESE VIOLATIONS UPON NOTIFICATION BY THE EXECUTIVE DIRECTOR OF THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY TO THE ENVIRONMENTAL CONTROL OFFICER; REPEALING CONFLICTING LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners acting as the Environmental Control Board has determined to adopt by reference all rules, resolutions, and all orders of the Solid Waste Authority of Palm Beach County adopted pursuant to Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-642;

WHEREAS, the effectiveness of local enforcement of Solid Waste Authority permit requirements and other requirements relating to the collection, processing, and disposal of solid waste in Palm Beach County will be increased by providing for a cooperative effort with the Department of Environmental Control;

WHEREAS, the Environmental Control Hearing Board currently hears cases referred to the Palm Beach County Public Health Unit by the Solid Waste Authority in which a public health threat or health violation currently exists;

WHEREAS, the Board of County Commissioners has determined that violations of rules, resolutions, and all orders of the Solid Waste Authority of Palm Beach County relating to permits and franchises should also be brought

1 before the Environmental Control Hearing Board for
2 enforcement.

3 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE
5 PALM BEACH COUNTY ENVIRONMENTAL CONTROL BOARD, that:

6 SECTION 1. Section 2 of Ordinance 78-5, as amended, is
7 hereby amended as follows:

8 SECTION 2. ADOPTION BY REFERENCE

9 Chapters 161 (Beach and Shore Preservation Act), 253
10 (Land Acquisition Trust Fund), 381 (Public Health), 386
11 (Nuisances Injurious to Health), 395 (Hospital Licensing and
12 Regulations), 403 (Environmental Control), 482 (Pest Control),
13 500 (Foods, Drugs and Cosmetics), 501 (Hazardous Substances),
14 513 (Tourist Camps), and 514 (Public Bath Houses and Swimming
15 or Bathing Places), Florida Statutes 1975, and all future
16 amendments thereto, and Special Acts, Chapters 77-620, 77-626,
17 and 74-113, Special Acts, Laws of Florida, and all future
18 amendments thereto, are hereby adopted and incorporated by
19 reference as part of this Ordinance to the same extent and to
20 the same effect as if the provisions of each statute or law
21 had been set out in full. All rules of the Florida Department
22 of Environmental Regulation, the Florida Department of Natural
23 Resources and the Florida Department of Health and
24 Rehabilitative Services adopted pursuant to such State laws,
25 as the rules are from time to time amended, and all rules of
26 the Palm Beach County Environmental Control Board adopted
27 pursuant to Chapter 70-862 or 77-616, Special Acts, Laws of
28 Florida and all rules, including Solid Waste Management
29 Permits Rule I, all resolutions, and all orders of the Palm
30 Beach County Solid Waste Authority adopted pursuant to
31 Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-
32 502, 86-433, 88-544, 91-334, 93-345, and 94-642, Special Acts,
33 Laws of Florida, and all rules of the Child Care Facilities
34 Board adopted pursuant to Chapters 59-1698, 74-113, and 77-
35 620, Special Acts, Laws of Florida, are hereby adopted and
36 incorporated by reference as part of this Ordinance to the
37 same extent and to the same effect as if the provisions of

1 each such statute or rule had been set out in full. Further,
2 Environmental Control Rule II shall apply to all defined water
3 systems regardless of any special State Codes which may
4 regulate establishments served by such systems, and where any
5 conflicts exists, Environmental Control Rule II shall govern.

6 SECTION 2. The title to Section 4 of Ordinance 78-5,
7 as amended, is hereby amended as follows:

8 SECTION 4. PALM BEACH COUNTY PUBLIC HEALTH UNIT,
9 DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, AND SOLID
10 WASTE AUTHORITY OF PALM BEACH COUNTY PERMITS, LICENSES AND
11 APPROVALS.

12 SECTION 3. The text of Section 4 of Ordinance 78-5, as
13 amended, is hereby amended to add subsection J as follows:

14 J. Solid Waste Authority of Palm Beach County Permits,
15 Resolutions, and Orders.

16 1. Prohibitions:

17 a. No person shall operate, maintain, construct,
18 expand, or modify any resource recovery and/or waste
19 management facility without first having applied for and
20 received a valid operating permit from the Solid Waste
21 Authority of Palm Beach County.

22 b. No person shall operate, maintain, construct,
23 expand, or modify any resource recovery and/or waste
24 management facility in violation of any resolutions, rules, or
25 orders adopted by the Solid Waste Authority of Palm Beach
26 County.

27 c. No person shall collect solid waste in violation
28 of any resolution including resolutions creating exclusive
29 franchises.

30 2. Enforcement Procedure.

31 a. The Executive Director of the Solid Waste
32 Authority of Palm Beach County shall determine compliance with
33 the provisions of Section 4 (J)(1) of this Ordinance. Upon
34 determination that a violation of Section 4 (J)(1) of this
35 Ordinance has occurred, the Executive Director of the Solid
36 Waste Authority of Palm Beach County shall give the violator
37 a reasonable time, by formal written notice, within which to

1 correct such violation. Should the violation continue beyond
2 the time specified for correction, the Executive Director of
3 the Solid Waste Authority of Palm Beach County shall notify
4 the Environmental Control Officer in writing of such failure
5 to correct the violation.

6 b. Upon notification by the Executive Director of
7 the Solid Waste Authority of Palm Beach County that there is
8 a violation of Section 4 (J)(1) of this Ordinance, which has
9 not been corrected within the time specified by the Executive
10 Director of the Solid Waste Authority, the Environmental
11 Control Officer shall follow the procedures provided by
12 Chapter 77-616, Special Acts, Laws of Florida, as amended, and
13 Ordinance 78-5, as amended, to bring the case for hearing
14 before the Environmental Control Hearing Board.

15 3. Public Health Threat Violations

16 a. Pursuant to Section 13 of Chapter 75-473,
17 Special Acts, Laws of Florida, as amended, the Palm Beach
18 County Public Health Unit Director shall continue to determine
19 compliance with the provisions of Chapter 75-473, Special
20 Acts, Laws of Florida, as amended, which relate to sanitary
21 collection, storage, processing, and disposal of solid waste.
22 If the Palm Beach County Public Health Unit Director
23 determines that a health violation or public health threat
24 exists, the Palm Beach County Public Health Unit Director
25 shall follow the procedures provided for in Section 13,
26 Chapter 75-473, Special Acts, Laws of Florida, as amended, to
27 obtain compliance by the violator, or, if compliance is not
28 obtained, to notify the Environmental Control Officer so the
29 Environmental Control Officer can cause the case to be heard
30 by the Environmental Control Hearing Board.

31 SECTION 4. REPEAL OF LAWS IN CONFLICT

32 All local laws and ordinances applying to
33 Palm Beach County in conflict with any provisions of this
34 Ordinance are hereby repealed to the extent of such conflict.

35 SECTION 5. SEVERABILITY

36 If any section, paragraph, sentence, clause, phrase,
37 or word of this Ordinance is for any reason held by the Court

1 to be unconstitutional, inoperative or void, such holding
2 shall not affect the remainder of this Ordinance.

3 SECTION 6. INCLUSION OF THE CODE OF LAWS AND ORDINANCES

4 The provisions of this Ordinance shall become and be
5 made a part of the code of laws and ordinances of Palm Beach
6 County, Florida. The Sections of the Ordinance may be
7 renumbered or relettered to accomplish such, and the word
8 "ordinance" may be changed to "section," "article," or any
9 other appropriate word.

10 SECTION 7. EFFECTIVE DATE

11 The provisions of this Ordinance shall become
12 effective upon receipt of acknowledgement from the Secretary
13 of State, but shall in no case become effective until twenty
14 (20) days after the filing of this Ordinance with the Clerk of
15 the Board of County Commissioners.

16 APPROVED AND ADOPTED by the Board of County
17 Commissioners of Palm Beach County, Florida, acting as the
18 Palm Beach County Environmental Control Board, on the 18th
19 day of October, 1994.

20
21 APPROVED AS TO FORM
22 AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

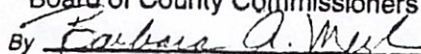
23
24 
25
26 COUNTY ATTORNEY

BY:

CHAIR

27
28 Acknowledgement by the Department of State of the State
29 of Florida, on this, the 28th day of October, 1994.

30 Acknowledgement from the Department of State
31 received on the 3rd day of November, 1994 at 4:18 P.M.
32 and filed in the Office of the Clerk of the Board of County
33 Commissioners of Palm Beach County, Florida.

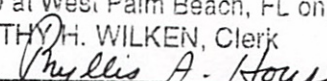
34 DOROTHY H. WILKEN, CLERK
35 Board of County Commissioners
36 By 
DEPUTY CLERK



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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 10/18/94

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DATED at West Palm Beach, FL on 11/9/94
DOROTHY H. WILKEN, Clerk
By:  D.C.